

THE HONORABLE JOHN C. COUGHENOUR

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

TWIN CITY FIRE INSURANCE COMPANY,

Plaintiff,

v.

LUNDBERG, LLC and PACKAGING
CORPORATION OF AMERICA,

Defendants.

No. 2:20-cv-01623-JCC

STIPULATED MOTION AND
[PROPOSED] ORDER FOR
DISMISSAL OF DEFENDANT
PACKAGING CORPORATION OF
AMERICA

NOTE ON MOTION CALENDAR:
December 10, 2020

STIPULATED MOTION AND [PROPOSED] ORDER
No. 2:20-cv-01623-JCC

ALSTON & BIRD LLP
333 South Hope Street, 16th Floor
Los Angeles, CA 90071
Telephone: (213) 576-1000 / Facsimile: (213) 576-1100

1 Plaintiff Twin City Fire Insurance Company (“Plaintiff”) and Defendant Packaging
2 Corporation of America (“PCA”), by and through their undersigned counsel, hereby stipulate as
3 follows:

4 WHEREAS, Plaintiff commenced this action by filing a Complaint on November 4, 2020,
5 asserting claims for declaratory relief regarding the duty to defend and duty to indemnify
6 Defendant Lundberg, LLC (“Lundberg”).

7 WHEREAS, Plaintiff previously agreed to extend PCA’s deadline to respond to the
8 Complaint by fourteen (14) days in order for the parties to potentially resolve this matter.

9 WHEREAS, on December 4, 2020, the Court granted the parties’ Stipulated Motion for
10 Extension of Time, finding good cause for extending the time for PCA to file its responsive
11 pleading to the Complaint.

12 WHEREAS, Plaintiff has agreed to dismiss PCA from this action, in exchange for PCA’s
13 agreement to not contest any ruling in this action regarding Plaintiff’s rights, duties, and/or
14 obligations arising out of the commercial general liability insurance policies issued to LDX
15 Solutions and Dustex Holdings, LLC, where Lundberg is a named insured. (See Complaint ¶¶ 37–
16 42.)

17 WHEREFORE, this matter having been fully compromised between Plaintiff and PCA, the
18 parties respectfully request that the Court enter an Order dismissing PCA from this action with
19 prejudice, with each party to bear its own costs.

20 Respectfully submitted this 10th day of December, 2020.

21 Presented by:

22 /s/ Brian C. Hickman

23 Brian C. Hickman, WSBA #50089

24 **GORDON & POLSCER, LLC**

9020 SW Washington Square Rd., Suite 560

Tigard, OR 97223

25 Telephone: (503) 242-2922

26 Facsimile: (503) 242-1264

Email: bhickman@gordon-polsker.com

Attorneys for Plaintiff Twin City Fire Insurance Co.

/s/ J. Andrew Howard

J. Andrew Howard, WSBA #48900

ALSTON & BIRD LLP

333 South Hope Street, 16th Floor

Los Angeles, CA 90071

Telephone: (213) 576-1000

Facsimile: (213) 576-1100

Email: andy.howard@alston.com

Eric Kuwana (*pro hac vice motion forthcoming*)

ALSTON & BIRD LLP

90 Park Avenue, 15th Floor

New York, NY 10016

Telephone: (212) 210-9400

Facsimile: (212) 210-9444

Email: eric.kuwana@alston.com

*Attorneys for Defendant Packaging Corporation of
America*

[PROPOSED] ORDER

The foregoing Stipulated Motion for Dismissal of Defendant Packaging Corporation of
America is **GRANTED**.

IT IS SO ORDERED.

Dated this ____ day of December, 2020.

The Honorable John C. Coughenour
United States District Court Judge

CERTIFICATE OF SERVICE

I certify that on December 10, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically provide notice to all attorneys of record by electronic means.

I declare under penalty of perjury under the laws of the United States this 10th day of December, 2020, at Los Angeles, California.

/s/ J. Andrew Howard

J. Andrew Howard, WSBA #48900

Attorneys for Defendant Packaging Corporation of America